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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,143	09/25/2003	Ji Ung Lee	125695-1	4553

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GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
PATENT DOCKET RM. BLDG. K1-4A59
NISKAYUNA, NY 12309

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 06/05/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 10/671,143	Applicant(s) LEE ET AL.	
	Examiner Rodney G. McDonald	Art Unit 1753	


--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 25 January 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.


Rodney G. McDonald
Primary Examiner
Art Unit: 1753

Continuation of 10. Other (including any explanation in support of the above items): The Appeal Brief should include a sixth ground of rejection on appeal and provide arguments thereof.

Under section 6 of Appellant's brief the following is suggested:

The sixth ground of rejection for review on Appeal:

Appellants respectfully urge the Board to review and reverse the Examiner's sixth ground of rejection in which the Examiner rejected claims 30 and 53 under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Jin as applied to claims 1-6, 9, 13-19, 22-27, 29, 31-38, 42-48, 51, 52, 54-56 and 99, and further in view of Huang (U.S. Pat. 5,451,830) and Chen (U.S. Pat. 6,815,877).

It should be noted that the Examiner mistakenly placed the incorrect reference in the statement of rejection for the sixth ground of rejection in his office action. Huang and Chen are referred to in the body of the rejection and should have been listed in the statement of the sixth ground of rejection. The correct references for the rejection are reflected in the suggested statement above and for the record they are the references relied upon in the sixth ground of rejection and are so cited on the PTO-892.

Under section 7 of the appellant's brief the following is suggested:

F. Ground of Rejection No. 6:

The Examiner rejected claims 30 and 53 under 35 U.S.C. §103(a) as being unpatentable over Lee in view of Jin, and further in view of Huang and Chen

In response to rejection of claims depending from claims 1 and 32, it is respectfully submitted that the secondary references do not obviate the deficiencies of Lee and Jin discussed above. Accordingly, inasmuch as independent claims 1 and 32 are allowable, claims depending therefrom are allowed at least by virtue of their dependency from allowable base claims.

r.